

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CARL M. MILLER,

Plaintiff,

**PLAINTIFF'S SUPPLEMENTAL  
RULE 26(a) DISCLOSURE**

vs.

17-CV-00928 LJV

COUNTY OF ERIE, et. al.,

Defendants.

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Plaintiff, by and through his attorneys, Shaw & Shaw, P.C., states the following  
pursuant to Rule 26(a) of the Federal Rules of Procedure:

1. **Witnesses**

- a. Carl M. Miller  
171 Kokomo Street, Depew, NY 14043
- b. Janet Miller  
171 Kokomo Street, Depew, NY 14043
- c. Timothy B. Howard, Erie County Sheriff  
10 Delaware Avenue, Buffalo, NY 14202
- d. Thomas Diina, Superintendent, Jail Management Division  
40 Delaware Avenue, Buffalo, NY 14202
- e. Lieutenant Krzysztof Kania  
1385 Abbott Road #87, Buffalo, NY 14218
- f. Sargent Christian J. Sundberg  
107 Argus Drive, Depew, NY 14043

- g. Officer Deanna J. Lates  
4332 East Frontier Drive, Buffalo, NY 14219
- h. Lieutenant Karen A. Yetzer  
464 Town Line Road, Lancaster, NY 14086
- i. Officer Keith L. Roberts  
c/o Erie County Correctional Facility  
11581 Walden Avenue, Alden, NY 14004
- j. Sargent Richard J. Kozaczka  
79 Homer Street, Buffalo, NY 14216
- k. Officer Paul Robinson  
12 Saint Joseph Drive, Lancaster, NY 14086
- l. Officer Timothy M. Wanat  
1166 Cleveland Drive, Cheektowaga, NY 14225
- m. David Julian, PA  
Erie County Correctional Facility  
11581 Walden Avenue, Alden, NY 14004
- n. James Thomas  
c/o Erie County Holding Center  
10 Delaware Avenue, Buffalo, NY 14202
- o. Joseph Damico  
c/o Greene Correctional Facility  
165 Plank Road, Cossackie, NY 12051
- p. Ariel Simms  
1457 East Delavan Avenue #2, Buffalo, NY 14215
- q. Robert Gibbens, RN  
Erie County Correctional Facility  
11581 Walden Avenue, Alden, NY 14004
- t. JOHN DOES 1-10  
Individually and as employees of the  
Erie County Sheriff's Department  
10 Delaware Avenue  
Buffalo, NY 14202

u. Gregory J. Bennett, M.D.  
Erie County Medical Center  
462 Grider Street  
Buffalo, NY 14215

2. **Documents Pursuant to Rule 26(a)(1)(B)**: Plaintiff has the following documents in his possession, which documents have been provided to defense counsel pursuant to disclosure responses:

a. Medical records

3. **Damages**: Plaintiff is alleging damages in an amount not to exceed \$5,000,000.00.

As of May 15, 2018, plaintiff's medical bills, which have been paid for by the New York State Department of Health (Medicaid Program) total \$156,795.61. A copy of the Notice of Lien filed by the New York State Department of Health with the Erie County Clerk on May 15, 2018 has been forwarded to counsel.

4. **Insurance Agreements**: The County defendants have answered but have yet to respond to plaintiff's demands for insurance information; defendants Thomas, Damico and Simms have not yet answered the Complaint, nor have they provided any further information to plaintiff.

Dated: July 25, 2018  
Hamburg, New York

SHAW & SHAW, P.C.



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East Aurora, NY 14052